

REMARKS

Claims 1-16 are pending.

With regard to the rejection under **35 USC 112** in the Final Office Action, reference to “the second pane” in claim 9 has been changed to “the lower pane” to connect the term to element 60 (as distinct from “pane” 50) in the Figures; however, use of the term “lower” is here used merely to distinguish the element semantically from the “pane” recited in claim 1, and does not set forth any physical limitation.

With regard to the rejection under **35 USC 112** in the Final Office Action, Applicant’s arguments with regard to the use of the phrase “optically equivalent” in claim 15, along with a provisional definition of the phrase, were made with the previous Amendment, and Applicant reiterates those arguments. Nonetheless, in the above Amendment, this definition has been formally added to the Specification, and this Amendment is believed to overcome the rejection of claim 15 under 35 USC 112.

Claims 1-2, 4, and 6-16 are rejected under **35 USC 102(e)** as anticipated by Suzuki. All of the claims in this rejection are dependent from claim 1.

The Final rejection points to FIG. 9 of Suzuki, where a lens 70 is disposed between reading glass 13 and roller 48 of document feeding unit 31; this arrangement is described in detail at column 6, lines 35-45 of Suzuki. As argued in the previous Amendment, there is no disclosure that lens 70 is, as in claim 1, “fixedly mounted” to the document feeding unit 31; i.e., if unit 31 is lifted up, there is no evidence that lens 70 is lifted up with it. Nonetheless, in order to more clearly distinguish the invention from Suzuki, claim 1 has been further amended above to recite “when the document handler is moved away from the main body of the apparatus, the pane moves with the document handler.” Suzuki makes no suggestion whatever of this feature. For this reason claim 1 as amended, along with its dependent claims, is once again not anticipated by Suzuki.

Claims 3 and 5 are rejected under 35 USC 103(a) over Suzuki and further in view of Nakano et al. Whatever the disclosure of Nakano et al., these claims are deemed allowable as being dependent from claim 1. The claims are therefore in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-3811, Rochester, NY.

Respectfully submitted,

/Robert Hutter, Reg. No. 32,418/

Robert Hutter
Attorney for Applicants
Registration No. 32,418
Telephone (585) 423-3811

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